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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,085	07/02/1999	CAREL J.L. VAN DRIEL	PHN17.110	4715

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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/341,085

Applicant(s)

VAN DRIEL, CAREL J.L.

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims **1- 8** are presented for examination.

**Claim Rejections - 35 USC § 112**

2. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5-6 lack of positive antecedent basic. For purpose of examination, Examiner assumes applicants meant claims 5-6 depend on claim 1.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Hiekali U.S. Patent No. 5,619,500.**

5. As to claim 1, **Hiekali** teaches the invention as claimed, including communication system comprising:

a plurality of terminals (figures 2, 4, element 205) which are connected to a access network having an access node connected to a transmission network and a network switch (figure 2-3, col. 3 lines 3-25), wherein,

the access node includes an access node switch couple to the network switch and a plurality of network control elements (figure 3, element 302, col. 3 lines 3-59), and wherein,

the transmission network comprises a plurality of sub-networks coupled to the network control elements (figures 2-3, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

6. As to claim 2, **Hiekali** teaches the invention as claimed, wherein the network control elements comprise a network control switch and a plurality of channel cluster modules, in that the network control switch is coupled to the access node switch and to the channel cluster modules, and in that the channel cluster modules are coupled to the sub-network corresponding to the network control node (figures 3-5, 8-10, abstract, col. 2 lines 5-33, col. 14 lines 20-60).

7. As to claim 3, **Hi kali** teaches the invention as claimed, wherein the channel cluster modules comprise at least one downstream channel module (figure 5, col. 3 lines 60-col. 5 lines 45, col. 6 lines 8-col. 7 lines 15).

8. As to claim 4, **Hiekali** teaches the invention as claimed, characterized in that the channel cluster module comprises an upstream channel module (figures 5-6, col. 3 lines 60-col. 5 lines 45, col. 6 lines 8-col. 7 lines 15).

9. As to claim 5, **Hiekali** teaches the invention as claimed, wherein the terminals comprises signaling means for exchanging network layer control information with the network switch (figure 4, abstract, col. 2 lines 5-33).

10. As to claim 6, **Hiekali** teaches the invention as claimed, wherein the network switch comprises proxy signaling means for deriving network layer control information from session layer and/or transport layer information exchanged between a terminal and the network switch (figure 4, abstract, col. 3 lines 60-col. 5 lines 45).

11. As to claim 7, **Hiekali** teaches the invention as claimed, including access node connectable to a transmission network, and to a network switch, the access node comprising:

an access node switch coupled to a plurality of network control elements, wherein the access node switch is connectable to the network switch and wherein the

Art Unit: 2155

network control elements are connectable to a plurality of sub-networks (figures 2-4, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

12. As to claim 8, **Hiekali** teaches the invention as claimed, wherein the network control elements comprise a network control switch and a plurality of channel cluster modules, in that the network control node router is coupled to the access node router and to the channel cluster modules, and in that the channel cluster modules are connectable to a sub-network corresponding to the network control node (figure 3-4, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

### **Response to Arguments**

13. Applicant's arguments filed on March 1, 2002, have been fully considered but they are not persuasive because of the following reasons.

14. As per Applicants' arguments filed on March 01, 2002, the Applicants argue that Hiekali does not teach an access network having an access node connected to a transmission network and a network switch, wherein, the access node includes an access node switch couple to the network switch and a plurality of network control elements, and wherein, the transmission network comprises a plurality of sub-networks coupled to the network control elements. In response to Applicants' argument the examiner's conclusion that Hiekali does teach an access network having an access

Art Unit: 2155

node connected to a transmission network and a network switch, wherein, the access node includes an access node switch couple to the network switch and a plurality of network control elements, and wherein, the transmission network comprises a plurality of sub-networks coupled to the network control elements. It's clearly shown in figures 2-3, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59.

### **Conclusion**

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

Art Unit: 2155

305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Ayaz R. Sheikh, can be reached at (703) 305-9648.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax number for art unit 2155 is (703) 305-7201.

Thu Ha Nguyen

May 21, 2002

  
AYAZ SHEIKH  
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